

# EXHIBIT B



**United States Copyright Office**

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • [www.copyright.gov](http://www.copyright.gov)

February 08, 2018

Revision Legal, PLLC  
Attn: John Di Giacomo  
109 E. Front St. Suite 309  
Traverse City, MI 49684  
United States

Correspondence ID: 1-2VTV2AD

RE: Contribution to RoyaltyStat database

Dear John Di Giacomo:

We cannot register your copyright claim in the above work because your submission does not meet the legal or formal requirements for registration.

Copyright protects "original works of authorship" that are fixed in a tangible medium of expression. To be an "original work of authorship," a work must contain a sufficient amount of literary, pictorial, musical, or other copyrightable material. Copyright protects only the actual expression of the author; it does not protect ideas, concepts, processes, systems, or methods, regardless of the form in which they are described, explained, or illustrated. 17 U.S.C. §102.

The copyright law defines a compilation as a "work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. 17 U.S.C. § 101. For purposes of *copyright registration*, a database is defined as a compilation of digital information comprised of data, information, abstracts, images, maps, music, sound recordings, video, other digitized material, or references to a particular subject or subjects. In all cases, the content of a database must be arranged in a systematic manner, and it must be accessed solely by means of an integrated information retrieval program or system with the following characteristics:

- A query function must be the sole means of accessing the contents of the database.
- The information retrieval program or system must yield a subset of the content, or it must organize the content based on the parameters specified in each query.

Compendium of U.S. Copyright Office Practices, Chapter 700 and 1100, at §1117.7.

When seeking registration for a database or group registration of periodic revisions to a database, the applicant must deposit identifying portions of the updated content, with 50 representative pages

marked to disclose the new material added on one representative publication date (or creation date if unpublished), along with a copy of the copyright notice (if any). In addition, an application for registration of a multi-file database, or for group registration of a database and its periodic updates, must include a descriptive statement containing specific information identified in the Office's regulations. See 37 CFR 202.20(c)(2)(viii)(D)(2).

The principal question in an application for registration of a database or group registration of periodic revisions to a database is whether there is sufficient selection, coordination, and/or arrangement of the elements to qualify as an original work of authorship. Specifically for multi-file databases and group registrations of periodic updates to a database, the applicant must submit an appropriate deposit and descriptive statement that demonstrates new copyrightable authorship in the selection, coordination, and/or arrangement contained in the revised database. The copyrightability of component elements contained within a database will not be sufficient to demonstrate that a database is copyrightable. If sufficient creativity in the selection, coordination, and/or arrangement of elements is not demonstrated in the deposit material or the required descriptive statement, the application for registration must be refused.

Where there is sufficient selection, coordination, and/or arrangement of the elements in a database so that the revised database qualifies as a new original work of authorship (i.e., a derivative compilation), the registration *may* cover any new copyrightable component elements within the revised database if such component elements are fully owned by the claimant of the database. If they are not fully owned by the claimant of the database, component elements must be registered separately or by using another applicable group registration option, such as group registration of published photographs ("GRPPh").

According to your application, the work you seek to register is a contribution to an automated database first published on August 24, 2003. However, the Office currently does not have an option for registration of a contribution, or multiple contributions, to an automated database. In addition, it appears that you are not the claimant of the overall database and thus do not meet the eligibility requirements for group registration of periodic updates to a database.

Your submission also does not meet the regulatory requirements for registration of a published contribution to a collective work because: (1) that option requires applicants to deposit a complete copy of the contribution as it was published in the larger collective work. See 37 C.F.R. §202.20 (xv); and (2) it is unclear whether the larger work (i.e., the automated database) qualifies as a collective work based on the material submitted.

There are several other fatal defects with your claim, for instance, the omission of the requisite descriptive statement, and the submission of multiple published works for registration using a Standard Application. As a general rule, a registration covers an individual work and an applicant should submit a separate application, filing fee, and deposit copy for each work that is submitted for registration unless there is an applicable group registration option or other regulatory accommodation available. Your deposit material consists of three disassociated files that appear to be separate works. The Standard Application cannot be used to register multiple published works, even where those works are published on the same day.

Because your submission does not meet the legal or formal requirements for registration, we must refuse. This letter is for your information only; no response is necessary.

Sincerely,



Elizabeth Stringer  
Supervisor  
Literary Division  
U.S. Copyright Office

Enclosures:  
Reply Sheet



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# Return this sheet if you request reconsideration.

### How to request reconsideration:

- Send your request in writing. Please note that your request must be postmarked (via the U.S. Postal Service) or dispatched (via commercial carrier, courier, or messenger) no later than three months after a refusal is issued.
- Explain why the claim should be registered or why it was improperly refused.
- Enclose the required fee – see below.
- Address your request to:

**RECONSIDERATION**  
Copyright RAC Division  
P.O. Box 71380  
Washington, DC 20024-1380

**Note:** Include the Correspondence ID Number (see above) on the first page. Indicate either "First Reconsideration" or "Second Reconsideration" as appropriate on the subject line.

**Notification of decision:** The Copyright Office will send a written notification of its decision, including an explanation of its reasoning.

**First Request for Reconsideration:** The Registration Program Office considers the first request. If it upholds the refusal, you may submit a second request.

**Second Request for Reconsideration:** The Copyright Office Board of Review considers the second request. The Board consists of the Register of Copyrights and the General Counsel (or their respective designees), and a third member appointed by the Register. The Board's decision constitutes final agency action.

### FEES:

First Request	\$250 per claim (i.e. the work(s) contained on one application)
Second Request	\$500 per claim (i.e. the work(s) contained on one application)